



**COMMONWEALTH of VIRGINIA**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**

VWP Individual Permit Number 14-0318

Effective Date: July 14, 2015

Expiration Date: July 13, 2030

**VIRGINIA WATER PROTECTION PERMIT**  
**ISSUED PURSUANT TO THE STATE WATER CONTROL LAW**  
**AND SECTION 401 OF THE CLEAN WATER ACT**

Based upon an examination of the information submitted by the owner, and in compliance with § 401 of the Clean Water Act as amended (33 USC 1341) and the State Water Control Law and regulations adopted pursuant thereto, the State Water Control Board (board) has determined that there is a reasonable assurance that the activity authorized by this permit, if conducted in accordance with the conditions set forth herein, will protect instream beneficial uses and will not violate applicable water quality standards. The board finds that the effect of the impact, together with other existing or proposed impacts to surface waters, will not cause or contribute to a significant impairment to state waters or fish and wildlife resources.

Permittee: Blue Ridge Fish Hatchery

Address: 655 Fish Farm Lane, Claudville, VA 24076

Activity Location: 655 Fish Farm Lane, Claudville, Patrick County, VA

Activity Description: Water withdrawal for aquaculture business

The permitted activity shall be in accordance with this Permit Cover Page, Part I - Special Conditions, and Part II - General Conditions.

A handwritten signature in blue ink, reading "Jeffrey L. Hurst".

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Jeffrey L. Hurst  
Deputy Regional Director, Blue Ridge Regional Office  
Virginia Department of Environmental Quality

July 15, 2015

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Date

*A. Authorized Activities*

This permit authorizes a surface water withdrawal from the Dan River to fill fish aquaculture ponds. Blue Ridge Fish Hatchery is an aquaculture business that consists of 64 ponds, with 150 acre feet of impounded water, as described in the Joint Permit Application submitted on March 6, 2014. The permittee will adhere to the water withdrawal conditions in accordance with Part I.E. of this permit.

*B. Permit Term*

This permit is valid for 15 years from the date of issuance. A new permit may be necessary for the continuance of the authorized activities, including water withdrawals, or any permit requirement that has not been completed. At least 120 calendar days prior to the expiration of this permit, the permittee shall notify DEQ in writing of its intent to continue one or more of the authorized activities. A new permit application may be required by DEQ at that time. DEQ, acting on behalf of the State Water Control Board, may issue a new permit or may issue a new permit with new or modified conditions, or the board may deny the issuance of a permit at that time.

*C. Reopener*

This VWP permit authorization may be reopened to modify its conditions when the circumstances on which the initial VWP permit was based have materially and substantially changed, or special studies conducted by the board or the permittee show material and substantial change since the time the VWP permit authorization was issued and thereby constitute cause for VWP permit authorization revocation and reissuance. Specifically, the permit may be reopened if monitoring and reporting requirements of the initial authorization do not provide sufficient data to verify the permit is protective of beneficial uses or this water source is no longer the supplement to the well water supply.

*D. Standard Project Conditions*

1. The activities authorized by this permit shall be executed in such a manner that any impacts to stream beneficial uses are minimized. As defined in §62.1-10(b) of the Code, “beneficial use” means both instream and offstream uses. Instream beneficial uses include, but are not limited to, the protection of fish and wildlife habitat, maintenance of waste assimilation, recreation, navigation, and cultural and aesthetic values. Offstream beneficial uses include, but are not limited to, domestic (including public water supply), agricultural, electric power generation, commercial, and industrial uses. Public water supply uses for human consumption shall be considered the highest priority.

2. No activity shall substantially disrupt the movement of aquatic life indigenous to the water body, including those species that normally migrate through the area, unless the primary purpose of the activity is to impound water.
3. Flows downstream of the project area shall be maintained to protect all uses.
4. The activity shall not impede the passage of normal or expected high flows, and any associated structure shall withstand expected high flows.
5. Measures shall be employed at all times to prevent and contain spills of fuels, lubricants, or other pollutants into surface waters.
6. Virginia Water Quality Standards shall not be violated in any surface waters as a result of the project activities.
7. Stormwater runoff shall be prohibited from directly discharging into any surface waters. Best management practices (BMP) designed, installed, and maintained, as described in the Virginia Erosion and Sediment Control Handbook (Third Edition, 1992, or the most recent version in effect at the time of construction) and the Virginia Stormwater Management Handbook (First Edition, 1999, or the most recent version in effect at the time of construction), shall be deemed suitable treatment prior to discharge into surface waters. Installation of alternative practices not described in these references shall be submitted to DEQ for approval prior to beginning construction.
8. Erosion and sedimentation controls shall be designed in accordance with the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992, or the most recent version in effect at the time of construction. These controls shall be placed prior to clearing and grading activities and shall be maintained in good working order, to minimize impacts to surface waters. These controls shall remain in place only until clearing and grading activities cease and these areas have been stabilized.

*E. Surface Water Withdrawal and River Flow Conditions*

1. Surface water withdrawal from the Dan River described in Part I.E is authorized under this permit for aquacultural operations.
2. Each intake structure will be fitted with 1/8 inch mesh and intake velocity shall not exceed 0.25 feet per second (ft/s). The permittee shall notify DEQ of the date the intake structure retrofit occurred and the intake velocity of the structure.
3. The withdrawal of water from the Dan River shall not exceed the following:
  - a. A maximum monthly withdrawal of 65 million gallons (mg).

- b. A maximum annual withdrawal of 155.00 mg.
- c. The maximum daily withdrawal from the Dan River shall be in accordance with the values in the table below:

Previous Day's Provisional Mean Daily Flow in the Dan River at the USGS 02068500 Gage near Francisco, NC (cfs)	Maximum Allowable Daily Withdrawal (million gallons)	Maximum Allowable Mean Daily Withdrawal Rate (cfs)
> 132	3.60	5.57
128 - 132	3.50	5.42
110 – 128	3.00	4.65
92 – 110	2.50	3.87
73 – 92	2.00	3.10
55 – 73	1.50	2.3
37 – 55	1.00	1.55
< 37	0	0

(cfs = cubic feet per second)

4. Water withdrawals from the Dan River are not permitted when the flow rate at USGS 02068500 Gage near Francisco, NC is below 37cfs.
5. Provisional Mean Daily Flow at the USGS 02068500 Gage near Francisco, NC can be found at [http://waterdata.usgs.gov/nc/nwis/dv?format=html&period=&begin\\_date=2014-12-12&end\\_date=2014-12-16&referred\\_module=sw&cb\\_00060=on&site\\_no=02068500](http://waterdata.usgs.gov/nc/nwis/dv?format=html&period=&begin_date=2014-12-12&end_date=2014-12-16&referred_module=sw&cb_00060=on&site_no=02068500). This web page allows you to change the dates so you may query the Mean flow values from the previous day.

#### F. *Monitoring, Notification, and Reporting*

##### **Monitoring**

1. The permittee shall record once per day the mean water flow of the Dan River at the USGS Francisco gage. This river flow shall be used to determine permitted withdrawal in accordance with the table in Part I.E.3.c. above.
2. The permittee shall record the daily volume of water (in million gallons) that is withdrawn from the Dan River.
3. Should DEQ determine that impacts to downstream beneficial uses have occurred as a result of the authorized project, DEQ may require the installation of a stream gage on the Dan River and monitoring requirements that differ from those specified herein. Such revisions may require that this permit be modified in accordance with the Virginia Water Protection Permit Program Regulation 9VAC25-210 in effect at that time.

4. In the event that the Governor or the Virginia Drought Coordinator declares a drought emergency in the Middle James Drought Evaluation Region, which includes but is not limited to Buckingham County, the permittee shall implement either the provisions directed by the declaration, or the mandatory conservation measures detailed in Appendix A of this permit, whichever is most restrictive. The permittee shall be responsible for determining when drought emergencies are declared.

### **Notification**

5. The permittee or authorized contractor shall immediately notify the DEQ Blue Ridge Regional Office in Lynchburg at 434-582-5120 upon the discovery of any fish kills or spills of fuels or oils. If DEQ cannot be reached, the permittee or authorized contractor shall notify the Virginia Department of Emergency Management (DEM) at 1-800-468-8892 or the National Response Center (NRC) at 1-800-424-8802.
6. The permittee shall notify DEQ within two business days of determining that additional impacts to surface waters or modifications to the overflow structure, spillway, or other project structures are necessary. Any additional surface water impacts or changes to the project structures shall be subject to DEQ review and approval and may result in the modification of this permit or compensatory mitigation.

### **Reporting**

7. The permittee shall report all authorized surface water withdrawals to the DEQ Office of Water Supply at P.O. Box 1105, Richmond, Virginia, 23218 by **January 31<sup>st</sup>** of the year following the year in which the withdrawals occurred. *Reporting surface water withdrawals in accordance with the conditions of this permit satisfies the reporting requirement for the Water Withdrawal Reporting Regulation 9VAC25-200-10 et seq.* Submittal of the report may take the form of electronic reporting or another form determined to be acceptable by DEQ. In the event the electronic reporting system is not available, the permittee may submit the report by electronic mail. The annual monitoring report shall contain the following information at a minimum:
  - a. the permittee's name and address;
  - b. the VWP permit number (14-0318);
  - c. the permittee's assigned facility identification number for reporting surface water withdrawals under 9VAC25-200-10 et seq;
  - d. the daily reporting of river flow and withdrawal amounts;
  - e. the monthly cumulative volume of water (million gallons) withdrawn from the Dan River for each month during which a withdrawal is authorized in Part I.E.3;

- f. the method of measuring the withdrawal;
  - g. the largest single-day volume withdrawn (million gallons) that occurred in the reporting year, and the month in which it occurred; and
  - h. the dates on which mandatory water conservation measures were implemented in the service area supplied by the authorized surface water withdrawal, if any.
8. All reports required by this permit and other information requested by DEQ shall be signed by the permittee, or a person acting on the permittee's behalf as a duly authorized representative with the authority to bind the permittee.

A person is a duly authorized representative only if 1) the authorization is made in writing by the permittee; AND 2) the authorization specifies either the named individual or the named position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, or position of equivalent responsibility.

If a change of the duly authorized representative occurs, the permittee shall immediately notify DEQ in writing, providing the new named individual or named position and contact information for the new duly authorized representative.

9. All submittals to DEQ shall contain the following signed certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."



# *COMMONWEALTH of VIRGINIA*

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### Blue Ridge Regional Office

[www.deq.virginia.gov](http://www.deq.virginia.gov)

David K. Paylor  
Director

Steven A. Dietrich  
Regional Director

L. Preston Bryant, Jr.  
Secretary of Natural Resources

#### **Lynchburg Office**

7705 Timberlake Road  
Lynchburg, Virginia 24502  
(434) 582-5120  
Fax (434) 582-5125

#### **Roanoke Office**

3019 Peters Creek Road  
Roanoke, Virginia 24019  
(540) 562-6700  
Fax (540) 562-6725

### **Attachment A**

### **VWP Individual Permit Number 14-0318**

In the event that the Governor or the Virginia Drought Coordinator declares a drought emergency in the Roanoke River Drought Evaluation Region of Patrick, Franklin, Roanoke, Henry, Bedford, Pittsylvania, Campbell, Halifax, Charlotte, and Mecklenburg Counties, the permittee shall implement the mandatory conservation measures, as detailed below:

The following non-essential water uses will be prohibited during periods of declared drought emergencies. Please note the exceptions that follow each prohibited use. These prohibitions and exceptions will apply to uses from all sources of water and will only be effective when the Governor of Virginia or the Virginia Drought coordinator declares a Drought Emergency. Water use restrictions shall not apply to the agricultural production of food or fiber, the maintenance of livestock including poultry, nor the commercial production of plant materials, *provided that best management practices are applied to assure the minimum amount of water is utilized.*

#### **1. *Unrestricted irrigation of lawns is prohibited.***

- Newly sodded and seeded areas may be irrigated to establish cover on bare ground at the minimum rate necessary for no more than a period of 60 days. Irrigation rates may not exceed one inch of applied water in any 7-day period.
- Gardens, bedding plants, trees, shrubs and other landscape materials may be watered with hand held containers, hand held hoses equipped with an automatic shutoff device, sprinklers or other automated watering devices at the minimum rate necessary but in no case more frequently than twice per week. Irrigation should not occur during the heat of the day.
- All allowed lawn irrigation must be applied in a manner to assure that no runoff, puddling or excessive watering occurs.
- Irrigation systems may be tested after installation, routine maintenance or repair for no more than ten minutes per zone.

#### **2. *Unrestricted irrigation of athletic fields is prohibited.***

- Athletic fields may be irrigated between the hours of 9:00 p.m. and 10:00 a.m. at a rate not to exceed one inch per application or more than a total of one inch in multiple applications during any ten-day period. All irrigation water must fall on playing surfaces with no outlying areas receiving irrigation water directly from irrigation heads.
- Localized dry areas that show signs of drought stress and wilt (curled leaves, foot-printing, purpling) may be syringed by the application of water for a cumulative time not to exceed fifteen minutes during any twenty four hour period. Syringing may be accomplished with an automated irrigation system or with a hand held hose equipped with an automatic shutoff device at the minimum rate necessary.
- Athletic fields may be irrigated between the hours of 9:00 p.m. and 10:00 a.m. during necessary overseeding, sprigging or resodding operations at the minimum rate necessary for a period that does not exceed 60 days. Irrigation rates during this restoration period may not exceed one inch of applied water in any seven-day period. Syringing is permitted during signs of drought stress and wilt (curled leaves, foot-printing, purpling).
- All allowed athletic field irrigation must be applied in a manner to assure that no runoff, puddling or excessive watering occurs.
- Irrigation is prohibited on athletic fields that are not scheduled for use within the next 120-day period.
- Water may be used for the daily maintenance of pitching mounds, home plate areas and base areas with the use of hand held containers or hand held hoses equipped with an automatic shutoff device at the minimum rate necessary.
- Skinned infield areas may utilize water to control dust and improve playing surface conditions utilizing hand held containers or hand held hoses equipped with an automatic shutoff device at the minimum rate necessary no earlier than two hours prior to official game time.

3. ***Washing paved surfaces such as streets, roads, sidewalks, driveways, garages, parking areas, tennis courts, and patios is prohibited.***

- Driveways and roadways may be pre-washed in preparation for recoating and sealing.
- Tennis courts composed of clay or similar materials may be wetted by means of a hand-held hose equipped with an automatic shutoff device at the minimum rate necessary for maintenance. Automatic wetting systems may be used between the hours of 9:00 p.m. and 10:00 a.m. at the minimum rate necessary.
- Public eating and drinking areas may be washed using the minimum amount of water required to assure sanitation and public health.



- Water may be used at the minimum rate necessary to maintain effective dust control during the construction of highways and roads.

4. ***Use of water for washing or cleaning of mobile equipment including automobiles, trucks, trailers and boats is prohibited.***

- Mobile equipment may be washed using hand held containers or hand held hoses equipped with automatic shutoff devices provided that no mobile equipment is washed more than once per calendar month and the minimum amount of water is utilized.
- Construction, emergency or public transportation vehicles may be washed as necessary to preserve the proper functioning and safe operation of the vehicle.
- Mobile equipment may be washed at car washes that utilize reclaimed water as part of the wash process or reduce water consumption by at least 10% when compared to a similar period when water use restrictions were not in effect.
- Automobile dealers may wash cars that are in inventory no more than once per week utilizing hand held containers and hoses equipped with automatic shutoff devices, automated equipment that utilizes reclaimed water as part of the wash process, or automated equipment where water consumption is reduced by at least 10% when compared to a similar period when water use restrictions were not in effect.
- Automobile rental agencies may wash cars no more than once per week utilizing hand held containers and hoses equipped with automatic shutoff devices, automated equipment that utilizes reclaimed water as part of the wash process, or automated equipment where water consumption is reduced by at least 10% when compared to a similar period when water use restrictions were not in effect.
- Marine engines may be flushed with water for a period that does not exceed 5 minutes after each use.

5. ***Use of water for the operation of ornamental fountains, artificial waterfalls, misting machines, and reflecting pools is prohibited.***

- Fountains and other means of aeration necessary to support aquatic life are permitted.

6. ***Use of water to fill and top off outdoor swimming pools is prohibited.***

- Newly built or repaired pools may be filled to protect their structural integrity.
- Outdoor pools operated by commercial ventures, community associations, recreation associations, and similar institutions open to the public may be refilled as long as:
  - a. Levels are maintained at mid-skimmer depth or lower;

- b. Any visible leaks are immediately repaired;
  - c. Backwashing occurs only when necessary to assure proper filter operation;
  - d. Deck areas are washed no more than once per calendar month (except where chemical spills or other health hazards occur);
  - e. All water features (other than slides) that increase losses due to evaporation are eliminated; and
  - f. Slides are turned off when the pool is not in operation.
- Swimming pools operated by health care facilities used in relation to patient care and rehabilitation may be filled or topped off.
  - Indoor pools may be filled or topped off.
  - Residential swimming pools may be filled only to protect structural integrity, public welfare, safety and health and may not be filled to allow the continued operation of such pools.

7. *Water may be served in restaurants, clubs, or eating-places only at the request of customers.*

## **Part II – General Conditions**

### **A. Duty to Comply**

The permittee shall comply with all conditions of the VWP permit. Nothing in the VWP permit regulations shall be construed to relieve the permittee of the duty to comply with all applicable federal and state statutes, regulations and prohibitions. Any VWP permit violation is a violation of the law, and is grounds for enforcement action, VWP permit termination, revocation, modification, or denial of an application for a VWP permit extension or reissuance.

### **B. Duty to Cease or Confine Activity**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the activity for which a VWP permit has been granted in order to maintain compliance with the conditions of the VWP permit.

### **C. Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any impacts in violation of the permit which may have a reasonable likelihood of adversely affecting human health or the environment.

### **D. VWP Permit Action**

1. A VWP permit may be modified, revoked and reissued, or terminated as set forth in 9 VAC 25-210 et seq.
2. If a permittee files a request for VWP permit modification, revocation, or termination, or files a notification of planned changes, or anticipated noncompliance, the VWP permit terms and conditions shall remain effective until the request is acted upon by the board. This provision shall not be used to extend the expiration date of the effective VWP permit. If the permittee wishes to continue an activity regulated by the VWP permit after the expiration date of the VWP permit, the permittee must apply for and obtain a new VWP permit or comply with the provisions of 9 VAC 25-210-185 (VWP Permit Extension).
3. VWP permits may be modified, revoked and reissued or terminated upon the request of the permittee or other person at the board's discretion, or upon board initiative to reflect the requirements of any changes in the statutes or regulations, or as a result of VWP permit noncompliance as indicated in the Duty to Comply subsection above, or for other reasons listed in 9 VAC 25-210-180 (Rules for Modification, Revocation and Reissuance, and Termination of VWP permits).

### **E. Inspection and Entry**

Upon presentation of credentials, any duly authorized agent of the board may, at reasonable times and under reasonable circumstances:

1. Enter upon any permittee's property, public or private, and have access to, inspect and copy any records that must be kept as part of the VWP permit conditions;
2. Inspect any facilities, operations or practices (including monitoring and control equipment) regulated or required under the VWP permit; and
3. Sample or monitor any substance, parameter or activity for the purpose of ensuring compliance with the conditions of the VWP permit or as otherwise authorized by law.

### **F. Duty to Provide Information**

1. The permittee shall furnish to the board any information which the board may request to determine whether cause exists for modifying, revoking, reissuing or terminating the VWP permit, or to determine compliance with the VWP permit. The permittee shall also furnish to the board, upon request, copies of records required to be kept by the permittee.
2. Plans, specifications, maps, conceptual reports and other relevant information shall be submitted as required by the board prior to commencing construction.

### **G. Monitoring and Records Requirements**

1. Monitoring of parameters, other than pollutants, shall be conducted according to approved analytical methods as specified in the VWP permit. Analysis of pollutants will be conducted according to 40 CFR Part 136 (2000), Guidelines Establishing Test Procedures for the Analysis of Pollutants.
2. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
3. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart or electronic recordings for continuous monitoring instrumentation, copies of all reports required by the VWP permit, and records of all data used to complete the application for the VWP permit, for a period of at least three years from the date of the expiration of a granted VWP permit. This period may be extended by request of the board at any time.
4. Records of monitoring information shall include:
  - a. The date, exact place and time of sampling or measurements;

- b. The name of the individuals who performed the sampling or measurements;
- c. The date and time the analyses were performed;
- d. The name of the individuals who performed the analyses;
- e. The analytical techniques or methods supporting the information such as observations, readings, calculations and bench data used;
- f. The results of such analyses; and
- g. Chain of custody documentation.

#### **H. Transferability**

This VWP permit may be transferred to a new permittee only by modification to reflect the transfer, by revoking and reissuing the permit, or by automatic transfer. Automatic transfer to a new permittee shall occur if:

1. The current permittee notifies the board within 30 days of the proposed transfer of the title to the facility or property;
2. The notice to the board includes a written agreement between the existing and proposed permittee containing a specific date of transfer of VWP permit responsibility, coverage and liability to the new permittee, or that the existing permittee will retain such responsibility, coverage, or liability, including liability for compliance with the requirements of any enforcement activities related to the permitted activity; and
3. The board does not within the 30-day time period notify the existing permittee and the new permittee of its intent to modify or revoke and reissue the VWP permit.

#### **I. Property rights**

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize injury to private property or any invasion of personal rights or any infringement of federal, state or local law or regulation.

#### **J. Reopener**

Each VWP permit shall have a condition allowing the reopening of the VWP permit for the purpose of modifying the conditions of the VWP permit to meet new regulatory standards duly adopted by the board. Cause for reopening VWP permits includes, but is not limited to when the circumstances on which the previous VWP permit was based have materially and substantially

changed, or special studies conducted by the board or the permittee show material and substantial change, since the time the VWP permit was issued and thereby constitute cause for VWP permit modification or revocation and reissuance.

#### **K. Compliance with State and Federal Law**

Compliance with this VWP permit constitutes compliance with the VWP permit requirements of the State Water Control Law. Nothing in this VWP permit shall be construed to preclude the institution of any legal action under or relieve the permittee from any responsibilities, liabilities, or other penalties established pursuant to any other state law or regulation or under the authority preserved by § 510 of the Clean Water Act.

#### **L. Severability**

The provisions of this VWP permit are severable.

#### **M. Permit Modification**

A VWP permit may be modified, but not revoked and reissued except when the permittee agrees or requests, when any of the following developments occur:

1. When additions or alterations have been made to the affected facility or activity which require the application of VWP permit conditions that differ from those of the existing VWP permit or are absent from it;
2. When new information becomes available about the operation or activity covered by the VWP permit which was not available at VWP permit issuance and would have justified the application of different VWP permit conditions at the time of VWP permit issuance;
3. When a change is made in the promulgated standards or regulations on which the VWP permit was based;
4. When it becomes necessary to change final dates in schedules due to circumstances over which the permittee has little or no control such as acts of God, materials shortages, etc. However, in no case may a compliance schedule be modified to extend beyond any applicable statutory deadline of the Act;
5. When changes occur which are subject to "reopener clauses" in the VWP permit; or
6. When the board determines that minimum instream flow levels resulting from the permittee's withdrawal of water are detrimental to the instream beneficial use and the withdrawal of water should be subject to further net limitations or when an area is declared a Surface Water Management Area pursuant to §§ 62.1-242 through 62.1-253 of the Code of Virginia, during the term of the VWP permit.

#### **N. Permit Termination**

After notice and opportunity for a formal hearing pursuant to Procedural Rule No. 1 (9 VAC 25-230-100) a VWP permit can be terminated for cause. Causes for termination are as follows:

1. Noncompliance by the permittee with any condition of the VWP permit;
2. The permittee's failure in the application or during the VWP permit issuance process to disclose fully all relevant facts or the permittee's misrepresentation of any relevant facts at any time;
3. The permittee's violation of a special or judicial order;
4. A determination by the board that the permitted activity endangers human health or the environment and can be regulated to acceptable levels by VWP permit modification or termination;
5. A change in any condition that requires either a temporary or permanent reduction or elimination of any activity controlled by the VWP permit; and
6. A determination that the permitted activity has ceased and that the compensatory mitigation for unavoidable adverse impacts has been successfully completed.

#### **O. Civil and Criminal Liability**

Nothing in this VWP permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

#### **P. Oil and Hazardous Substance Liability**

Nothing in this VWP permit shall be construed to preclude the institution of legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under § 311 of the Clean Water Act or §§ 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

#### **Q. Unauthorized Discharge of Pollutants**

Except in compliance with this VWP permit, it shall be unlawful for the permittee to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances;
2. Excavate in a wetland;

3. Otherwise alter the physical, chemical, or biological properties of state waters and make them detrimental to the public health, to animal or aquatic life, to the uses of such waters for domestic or industrial consumption, for recreation, or for other uses;
4. On or after October 1, 2001 conduct the following activities in a wetland:
  - a. New activities to cause draining that significantly alters or degrades existing wetland acreage or functions;
  - b. Filling or dumping;
  - c. Permanent flooding or impounding;
  - d. New activities that cause significant alteration or degradation of existing wetland acreage or functions.

#### **R. Permit Extension**

Any permittee with an effective VWP permit for an activity that is expected to continue after the expiration date of the VWP permit, without any change in the activity authorized by the VWP permit, shall submit written notification requesting an extension. The permittee must file the request prior to the expiration date of the VWP permit. Under no circumstances will the extension be granted for more than 15 years beyond the original effective date of the VWP permit. If the request for extension is denied, the VWP permit will still expire on its original date and, therefore, care should be taken to allow for sufficient time for the board to evaluate the extension request and to process a full VWP permit modification, if required.